

**MONTANA CHEMICAL DEPENDENCY CENTER  
POLICY AND PROCEDURE MANUAL**

<b>Policy Subject: Drug free work place/Substance abuse</b>	
<b>Policy Number: PRP 16</b>	<b>Standards/Statutes: ARM 37.27.121</b>
<b>Effective Date: 01/01/02</b>	<b>Page 1 of 3</b>

**PURPOSE:** To define expectations of a drug free work place and substance abuse.

**POLICY:** In compliance with the federal drug free workplace act, it is the policy of DPHHS that the unlawful manufacture, distribution, dispensation, sale, possession or use of a controlled substance by any employee in the workplace, or while in a work status, is strictly prohibited. Any use of alcohol or other illegal drugs is strictly prohibited at work.

Further, an employee will not be permitted to report to work while under the influence or in an impaired state due to off-duty consumption of a controlled or prescribed substance.

Any employee who violates the act or this policy is subject to disciplinary action up to and including discharge.

**PROCEDURE:**

I. Under the influence: this term is applicable to the use of either alcohol or drugs. A person is under the influence where as a result of using alcohol, drugs or any combination thereof; a person's ability to appropriately and safely perform in the workplace is diminished.

II. This term has legal definition at 61-8-401, et. seq., which will further be utilized in making determination of whether an employee is (under the influence).

A. Impaired State: when due to the consumption of alcohol, drugs, a combination thereof, or of prescribed or over-the-counter medication, an employee is, in the employer's judgment, unable to adequately, appropriately or safely perform the duties and responsibilities of their assigned position.

III. The supervisor will decide if an employee should not report to work or continue to work. The employee's Condition, as well as the safety of other employees and patients will be considered in making this judgment.

A. Employee Assistance program (eap): An employee assistance program is available. Employees having substance abuse problems are encouraged to avail themselves of the program for help.

IV. Assistance from this program is confidential. The employer is not advised of individual progress or results.

A. Treatment: the department recognizes that substance abuse dependency may be a disease, and as such has available assistance under health insurance plans. For substance abuse to be recognized as a disease, the employee should have done the following.

V. Have self-recognition of their problem.

VI. Have consulted with and been diagnosed as chemically dependent by a professional certified to make such diagnosis.

VII. Made the employer aware of their problem and requested assistance to solve problems, which may have arisen in the employment relationship.

A. Prescription or over-the-counter medication:

VIII. An employee using or place on prescribed or over-the-counter medication, and who is aware, or could be expected to be aware, that the medication may have side effects which could affect the employee's ability to adequately, appropriately or safely perform on the job, will immediately notify the employer.

IX. The employer will assess the matter and determine (if necessary in consultation with medical authority), whether the employee should be allowed to continue to work.

X. Other options:

XI. Sick leave

XII. Temporary reassignment of the employee providing work is available and can be done without detriment to the work effort.

XIII. Use of the paid or unpaid leave.

A. Discipline:

XIV. Where a diagnosis of chemically dependent has not been made, discipline will be administered as it would for any other problem, which affects the employee's performance issues. However; the employee will be considered as having a disease and permitted all considerations, which the employer would extend to any other employee entitled to legitimate sick leave.

XV. The employer will require a medical certification from a professional in the field before the employee returns to work. The employer may require that an employee who is facing termination participate in a rehabilitation program, This should occur prior to termination, if the problematic behavior is a result of the chemical dependence.

A. Limitation:

XVI. If after having participated in an approved treatment program(s), the employee returns to work and subsequently engages in problematical behavior again, the employer may discipline the employee as if a disease were not present.

XVII. The discipline process may include outlined progressive discipline procedures up to and including discharge.

A. This policy will be followed unless it conflicts with negotiated labor contracts, which will take precedence to the applicable extent.

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Revisions: Revision # 1, Rona R. McOmber, PIURM 12/2002

Prepared By: David J. Peshek, Administrator 06/07/02

Approved By: 01/01/02  
David J. Peshek, Administrator